

REMARKS

Due to the length of the specification herein, Applicants will cite to the paragraph or page number, as appropriate, of the published patent application (PG Pub) of the present application, i.e., US 2006/0233984, when discussing the application description, rather than to page and line of the specification as filed.

The rejections under 35 U.S.C. § 103(a) of:

Claims 1-20, 22-23 and 28-29 as unpatentable over US 6,841,261 (Matsui et al) in view of US 6,852,806 (Sasagawa et al); and

Claim 21 as unpatentable over Matsui et al in view of Sasagawa et al and US 6,184,289 (Teranishi et al),

are respectfully traversed.

As recited in Claim 1, an embodiment of the present invention is a heat shrinkable film comprising a resin composition comprising the following components (A), (B) and (C), obtained by orientation at least in monoaxial direction, and having a heat shrinkage ratio at 80°C for 10 seconds of at least 20%: (A) 50 to 95 mass% of a block copolymer comprising an aromatic vinyl compound and a conjugated diene in a proportion of the aromatic vinyl compound of from 50 to 90 mass%, and having a micro phase separation structure comprising a soft phase and a hard phase, (B) 5 to 50 mass% of a styrene type polymer having a syndiotactic structure, and (C) 0 to 45 mass% of a styrene type polymer different from the components (A) and (B).

The specification herein contains comparative data demonstrating the superiority of the presently-recited resin composition compared to other compositions containing some but not all of the presently-recited components, or the recited components but in different proportions [0141]-[0256]. Reference Examples 1-8 were prepared, each of which is of a block copolymer comprising an aromatic vinyl compound and a conjugated diene. Reference

Example 1 contains no micro phase separation structure, Reference Examples 2-8 do [0143]. Examples 1-25 are according to the present invention; Comparative Examples 1-9 are for purposes of comparison [0242]. The Examples and Comparative Examples were prepared and tested for various properties as described [0191]-[0241]. The properties of the Reference Examples are shown in Table 1 (pages 14-15), and the compositions and data for the Examples and Comparative Examples are shown in Tables 2-7 (pages 15-18). As shown in Table 5, Comparative Examples 1-3 contain no components (B) or (C); Comparative Examples 4 and 5 contain no component (B); and Comparative Example 7 contains components (A) and (B) but in proportions outside the terms of the present claims.

As the data show, the present invention results in a heat shrinkable film of which the heat resistance is remarkably improved without impairing conventional heat shrinkability, spontaneous shrinkability and transparency [0249].

The applied prior art neither discloses nor suggests the presently-claimed invention, or the superior results obtained thereby, as now discussed.

Matsui et al discloses a composition containing at least two types of different block copolymers (A), wherein the block copolymer (A) comprises a vinyl aromatic hydrocarbon and a conjugated diene, and having particular dynamic viscoelasticity and loss tangent value properties (column 3, line 16ff), or a composition comprising the block copolymer (A) and a vinyl aromatic hydrocarbon polymer that is at least one member selected from vinyl aromatic hydrocarbon polymers (B1) to (B3), wherein (B1) is a vinyl aromatic hydrocarbon polymer, (B2) is a block copolymer of a vinyl aromatic hydrocarbon and a conjugated diene (excluding the block copolymer (A)), and (B3) is a rubber-modified transparent resin which is a composition of a copolymer (a) comprising a vinyl aromatic hydrocarbon and a (meth)acrylate having a particular refractive index, and a rubber-like elastic body (b) having a particular refractive index, wherein the copolymer (a) forms a continuous phase and the

rubber-like elastic body (b) forms a disperse phase, and the weight ratio of (a)/(b) is within a particular range (column 5, line 23ff). The compositions are disclosed as useful for the production of a heat shrinkable film (column 1, lines 6-23).

The Examiner finds that Matsui et al discloses, in effect, presently-recited component (A), relying on the disclosure in Matsui et al at column 5, lines 35-43.

In reply, this disclosure is of vinyl aromatic hydrocarbon polymer (B3), discussed above, which is different from, and is not suggestive of, presently-recited component (A). Indeed, Matsui et al discloses and suggests nothing about a micro phase separation structure with regard to any of their block copolymers that are derived from an aromatic vinyl compound and a conjugated diene. Indeed, as noted above with regard to the Reference Examples, such a structure is not inherent in vinyl aromatic hydrocarbon- conjugated diene block copolymers. Nor, as recognized by the Examiner, does Matsui et al disclose a styrene type polymer having a syndiotactic structure. The Examiner thus relies on Sasagawa et al.

Sasagawa et al discloses particular hydrogenated copolymers hydrogenated copolymer compositions (column 1, line 10ff). The Examiner relies on a disclosure therein of a multilayer film or sheet comprising layer(s) of the inventive hydrogenated copolymer or hydrogenated copolymer composition, and another layer, relying on the disclosure at column 25, lines 11-14, and finds that a syndiotactic structure provides a film with a shrink label with excellent stretch properties, relying on the disclosure at column 27, line 61 to column 28, line 8.

In reply, Sasagawa et al does **not** disclose or suggest what the Examiner finds. There is **no** disclosure therein of a **styrene** type polymer having a syndiotactic structure. The only disclosure of a syndiotactic polymer is syndiotactic polypropylene (column 25, lines 12-13). Nor does Sasagawa et al single out syndiotactic polymers as having any advantage over other polymers used to make a multilayer film according to Sasagawa et al.

The Examiner relies on Teranishi et al for its disclosure of a rubber-modified polystyrene, wherein a particulate rubber polymer is dispersed in a matrix. Without the present disclosure as a guide, it is not clear why one skilled in the art would combine Teranishi et al with Matsui et al and Sasagawa et al. However, even if combined, the result would still not be the presently-claimed invention, because Teranishi et al does not remedy the above-discussed deficiencies in the combination of Matsui et al and Sasagawa et al.

For all the above reasons, it is respectfully requested that the rejections over prior art be withdrawn.

Applicants note that it was improper for the Examiner to line-out the references listed as AJ through AU on the Form PTO 1449 submitted with the Information Disclosure Statement (IDS) filed April 6, 2005. This IDS was filed with a Statement of Relevancy (**copy enclosed**), which indicates that the references were either cited in the International Search Report or discussed in the specification. According to MPEP 609.03 and 609.04(a), such references must be considered, even if in a foreign language. Accordingly, **enclosed herewith** is another copy of said Form PTO 1449. The Examiner is respectfully requested to initial the Form, and include a copy thereof with the next Office communication.

Moreover, since the date of the IDS is before the date of the Office Action and thus technically was part of the Official file as of the Office Action date, Applicants respectfully request that should the Examiner determine that a new ground of rejection needs to be made in the next Office Action relying in whole or in part on any of the references cited in the IDS, then said next Office Action not be made Final, even if the new rejection was necessitated by the present amendment to the claims.

Finally, Applicants respectfully call the Examiner's attention to the Information Disclosure Statement filed December 6, 2006. The Examiner is respectfully requested to

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Reply to Office Action of November 30, 2006

initial the Form PTO 1449 submitted therewith, and include a copy thereof with the next Office communication.

All of the presently-pending claims in this application are now believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Customer Number

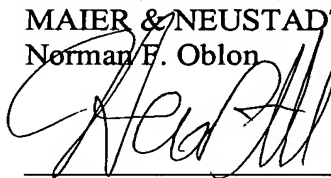
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